

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)  
(VIA EFS-WEB)**

Docket Number (Optional)

BB1036USCNT

First named inventor: JOHN BROWSE

Application No.: 09/219935

Art Unit: 1638

Confirmation Number: 4143

Filed: December 23, 1998

Examiner:

E. F. McElwain

Title: FATTY ACID DESATURASE GENES FROM PLANTS

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,620.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of an Extension of Time and a Continuing Application (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

\_\_\_\_\_  
/Lynne M. Christenbury/

Signature

\_\_\_\_\_  
LYNNE M. CHRISTENBURY

Typed or printed name

\_\_\_\_\_  
E. I. DU PONT DE NEMOURS AND COMPANY

Address

\_\_\_\_\_  
Legal Patent Records Center, Barley Mill Plaza 25/1122-B

Address

\_\_\_\_\_  
4417 Lancaster Pike, Wilmington, DE 19805

Address

\_\_\_\_\_  
April 8, 2009

Date

\_\_\_\_\_  
30,971

Registration Number, if applicable

\_\_\_\_\_  
(302) 992-5481

Telephone Number

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Petition to Revive Statement, Extension of Time, Continuing Application

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE APPLICATION OF:

JOHN BROWSE

CASE NO.: BB1036USCNT

APPLICATION NO.: 09/219935

CONFIRMATION NO.: 4143

GROUP ART UNIT: 1638

EXAMINER: E. F. MCELWAIN

FILED: DECEMBER 23, 1998

FOR: FATTY ACID DESATURASE GENES FROM PLANTS

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**PETITION TO REVIVE PURSUANT TO 37 CFR §1.137(b)**

**Via EFS-Web**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This petition is submitted prior to receipt of a Notice of Abandonment for failure to timely respond to the Notice of Appeal dated September 3, 2008 for the above-identified application.

It is respectfully requested that the subject application be revived pursuant to 37 CFR §1.137(b) as a pending application.

The entire delay in filing the required reply from the due date for the reply until the filing of this petition pursuant to 37 CFR §1.137(b) was unintentional.

This petition is accompanied by the required reply namely, the filing of a Continuation application along with payment of a four (4) month Extension of Time and the fee required in connection with filing of the Petition to Revive.

Serial No.: 09/219935  
Docket No.: BB1036USCNT  
Confirmation No.: 4143  
April 7, 2009

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Please charge the fee required in connection with the filing of this Petition to Revive, under 37 CFR §1.17(m), and any other fee that may be required in connection with the filing of this petition to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

/Lynne M. Christenbury/

**LYNNE M. CHRISTENBURY**  
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Date: April 8, 2009